

REMARKS/ARGUMENTS

In view of the remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 1-12 are pending for further examination.

The Examiner is thanked for providing a "Response to Arguments" section in the Final Office Action. It is hoped that the Examiner will reconsider the positions advanced in this section and elsewhere in the Final Office Action, at least in view of the remarks herein and a "fresh" reading of those limitations specifically required by claim 1 (and its dependents).

All claims 1-12 remain rejected under 35 U.S.C. § 103(a) as allegedly being "obvious" over the combination of Ulrich (U.S. Patent No. 6,895,438) and Olah et al. (U.S. Patent No. 6,446,119). This Section 103 rejection is respectfully traversed for at least the following reasons.

Page 3 of the Final Office Action states that "Ulrich fails to teach the reports containing all supervised employees, however, Olah teaches the employer requesting the reports to be run on one or all employees in an organization. . . ." Applicant does not disagree with the Examiner's view that Ulrich does not teach generating reports containing all supervised employees. Furthermore, Applicant does not disagree with the Examiner's view that Olah teaches an employer requesting the reports to be run on one or all employees in an organization.

What is missing from these statements in the Final Office Action, however, is the fact that Applicant's claimed invention does not require such features. Instead, claim 1 recites, *inter alia*, "providing the electronic summary reports to a first employee in response to a request for the first employee's information from the first employee, wherein the summary reports include information on the first employee as well as all other employees working under the first employee in the company organizational structure." In other words, when a particular employee requests a report on himself or herself, that particular employee is presented with summary

reports including information pertaining to himself or herself, as well as all other employees working under that particular employee. It will be appreciated that such is not the same as requesting a report containing information for all supervised employees, nor is it the same as an employer requesting the reports to be run on one or all employees. Thus, the Examiner's observations about Ulrich's lack of a teaching of the former, and Olah's teaching of the latter, is not really relevant to the claimed invention, at all.

Instead, what is relevant to Applicant's claimed invention is the admission that Ulrich does not teach generating a report for a person about that particular person and those working under him or her. While Olah does, in the abstract, contemplate monitoring employees, it discusses doing so only for a particular employee or for all employees, as set forth pointedly and accurately in the Final Office Action. In other words, it cannot be said that Olah fairly teaches or suggests generating a report for a person about that particular person and those working under him or her. Even the alleged combination of Ulrich and Olah is lacking in this regard, since neither reference alone teaches or suggests a corresponding feature and since such a teaching or suggestion cannot inexplicably be created from whole cloth when the two references are somehow combined.

From the above, it thus is clear that neither Ulrich nor Olah alone teach or suggest "providing the electronic summary reports to a first employee in response to a request for the first employee's information from the first employee, wherein the summary reports include information on the first employee as well as all other employees working under the first employee in the company organizational structure," as specifically required by claim 1 (and its dependents). Indeed, such does not even appear to be even vaguely contemplated or even possible, inasmuch as the references do not really pertain to, or leverage, the structure or

structural definition of an organization, at all. Indeed, even the alleged Ulrich/Olah combination is lacking in this regard. Again, neither reference alone teaches or suggests a corresponding feature and since such a teaching or suggestion cannot inexplicably be created from whole cloth when the two references are somehow combined.

Perhaps most tellingly, the main section of the Final Office Action does not include even the vaguest reference to the above-quoted limitation of claim 1. This is because the prior art of record, alone and in combination, simply fails to teach or suggest a corresponding feature. It is only in the Response to Arguments section that this feature is indirectly mentioned for the first time. While Ulrich does appear to teach personnel generating reports for themselves, and while Olah does appear to teach a company generating reports for one or all of its employees, it indeed is a significant -- and patentable -- improvement to enable the generation of a report by a person, for that person, about that person, and about those persons working under him or her.

Even this section of the Final Office Action lacks an explicit reference as to how the above-quoted limitation is met, beyond the merely conclusory statement that "when the two references are combined they create reports that report on both the supervisor(executive) and the employees of the management." Such is not proper practice under *KSR*, at least because there is no clearly articulated reasoning supported by plain facts to support the legal conclusion of obviousness.

Thus, reconsideration and withdrawal of the outstanding Section 103 rejection are respectfully requested.

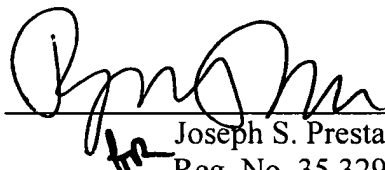
Applicant's undersigned representative would be happy to discuss in greater detail with the Examiner the inventive concepts specifically claimed, as well as the shortcomings of the prior art, should the Examiner believe that such a discussion would be beneficial .

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In the meantime, in view of the foregoing remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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